

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:03CR61
)	
Plaintiff,)	
)	
v.)	ORDER
)	
DAJUAN L. BALL,)	
)	
Defendant.)	

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 53.
Having considered the matter,

IT IS ORDERED that:

1. A Rule 35 hearing is scheduled before the undersigned on **November 15, 2005, at 4:00 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
3. **The Marshal is directed not to return the defendant to the district; and the defendant is held to have waived his right to be present.** The defendant may participate telephonically in the hearing by notifying chambers 24 in advance of the hearing of the telephone number and contact person at the institution where defendant is incarcerated.
4. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion.
5. The Clerk of the Court shall electronically serve a copy of this order to counsel for the government, counsel for the defendant, and the Federal Public Defender.

DATED this 10th day of November, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge